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AJINOMOTO CORPORATE SERVICES, LLC  
INTELLECTUAL PROPERTY DEPARTMENT  
1120 CONNECTICUT AVE., N.W.  
WASHINGTON DC 20036

In re Application of:  
Livshits et al.  
Serial No.: 09/927,395  
Filed: August 13, 2001  
Attorney Docket No.: 212607US0DIV

DECISION ON PETITION TO  
WITHDRAW THE HOLDING  
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on January 14, 2005, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status.

A review of the file history shows that the Office mailed a non-final Office action, setting a three-month statutory time period for reply, to applicants on April 29, 2004. On January 12, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that the Office action of April 29, 2004 was never received and provides as evidence thereof a copy of the attorney docket report where the Office action would have been entered if received, showing non-receipt of the Office action. Additionally, the Office action of April 29, 2004, as indicated by PAIRS, shows an incorrect mailing address. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the Notice of Abandonment mailed January 14, 2005, is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

*Marianne C. Seidel for*

Bruce Kisliuk  
Director, Technology Center 1600